

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RANDY LESHON STEVENS,

Plaintiff,

No. 14-cv-01877

V.

THE CITY OF SEATTLE, a Municipal Corporation,

Defendant.

COMPLAINT FOR VIOLATION
OF CONSTITUTIONAL RIGHTS,
FALSE ARREST, FALSE
IMPRISONMENT, OUTRAGEOUS
CONDUCT, INTENTIONAL
INFILCTION OF EMOTIONAL
DISTRESS, VICARIOUS
LIABILITY

JURY DEMANDED

Plaintiff, RANDY LESHON STEVENS, through his attorney, alleges as follows:

J. JURISDICTION AND VENUE

1. This action is brought pursuant to 42 U.S.C. § 1983 for violations that include but may not be limited to the Fourth, Fifth, Eighth, and Fourteenth Amendments, and other various state and common law claims.

2. There exists a common nucleus of operative facts as to plaintiff's state and federal claims. As a consequence, this court has supplemental or pendent jurisdiction over the state claims pursuant to 28 U.S.C. § 1337.

II. PARTIES

3. Plaintiff Randy Leshon Stevens is a resident of King County, Washington.

4. The defendant, City of Seattle, is a government entity with the right to sue and
d in its own name.

III. TORT CLAIM

5. A City of Seattle Standard Tort Claim was properly filed with the defendant, City of Seattle, pursuant to Washington State law. More than sixty (60) days have elapsed since the filing of that claim.

IV. JURY DEMAND

6. Pursuant to Fed. R. Civ. P. 38, Plaintiff hereby demands trial by jury.

V. BACKGROUND FACTS

7. On or about December 19, 2012, an arrest warrant was issued for Plaintiff Randy Leshon Stevens for Kidnapping in the First Degree, Robbery in the Second Degree, and Attempted Human Trafficking in the Second Degree.

8. A little over one year earlier, a Seattle woman, Victim Jane, woke up on the floor of a strange house in Seattle, and was held against her will by an unknown African American male, later determined to be Tariq Shabazz.

9. Later that day, Shabazz forced Victim Jane to leave the house with him and a female acquaintance. They left in a black sports utility vehicle ("SUV"), and began driving around Seattle.

1 10. Shabazz would not release Victim Jane, and Victim Jane feared that she would
2 be forced into prostitution or killed. While driving around Seattle, a second African American
3 male was picked up and entered the SUV.

4 11. The second African American male rummaged through Victim Jane's purse and
5 took money. He also wanted Victim Jane to verify her bank account balance, and threatened
6 Victim Jane with a knife. Victim Jane feared that they were going to kill her.

7 12. At a time when the SUV was stopped, Victim Jane escaped the vehicle by
8 jumping out. She hit her head on the ground during the escape, and remained in critical
9 condition with a head injury for several weeks.

10 13. Detective Todd Novisedlak from the Seattle Police Department investigated the
11 case. Detective Novisedlak identified Shabazz early in the investigation because he had given
12 Victim Jane his telephone number. *See Exhibit A.*

13 14. Detective Novisedlak obtained Shabazz's telephone records and identified a
14 telephone number called many times on the day of the incident with Victim Jane. Detective
15 Novisedlak did not know why the telephone number was called. *Id.*

16 15. Detective Novisedlak later linked the telephone number to the name Randy
17 Stevens. *Id.*

18 16. Detective Novisedlak looked up the name Randy Stevens in a booking database
19 and found Plaintiff Randy Leshon Stevens who, in a general sense because he too is African
20 American, met the description of the second African American male involved in the incident
21 with Victim Jane. *Id.*

1 17. Detective Novisedlak prepared a photographic montage with Mr. Stevens'
2 photograph and showed it to Victim Jane. However, she could not identify Mr. Stevens as the
3 second African American male suspect. *Id.*

4 18. Detective Novisedlak obtained another booking photograph of Mr. Stevens and
5 prepared a new photographic montage with that photograph and showed it to Victim Jane.
6 Again Victim Jane did not identify Mr. Stevens as the second African American male suspect.

7 *Id.*

8 19. Detective Novisedlak eventually obtained a Department of Licensing
9 photograph of Mr. Stevens and only showed that one photograph to Victim Jane. Victim Jane
10 identified Mr. Stevens as only "looking like" the second African American male suspect. *Id.*

11 20. On or about December 2012, Detective Novisedlak prepared a probable cause
12 statement or Case Investigation Report detailing his investigation.

13 21. In and around the week of December 20, 2012, Mr. Stevens received notice by
14 mail scheduling him to appear on the King County Superior Court Arraignment Calendar for
15 January 2, 2013. He was given notice that he would be arraigned for Kidnapping in the First
16 Degree, Robbery in the Second Degree, and Attempted Human Trafficking in the Second
17 Degree.

18 22. On January 2, 2013, Plaintiff Randy Leshon Stevens voluntarily appeared in
19 King County Superior Court and was arraigned. However, he was released for lack of
20 information regarding his involvement with the subject crimes. The Case Investigation Report
21 prepared by Detective Novisedlak did not provide information as to Mr. Stevens' involvement
22

1 in the incident with Victim Jane. At that time, Mr. Stevens was ordered to report to the King
2 County Jail on January 16, 2013, for work release.

3 23. On or about January 3, 2013, Detective Novisedlak prepared an amended or
4 supplemental Case Investigation Report under penalty of perjury under the laws of the State of
5 Washington for the support of probable cause, and the arrest and charges against Mr. Stevens.
6 Detective Novisedlak provided false information and omitted information regarding his
7 investigation.

8 24. Detective Novisedlak falsely stated that the telephone number obtained from
9 Shabazz's telephone records was registered to Plaintiff Randy Leshon Stevens. The telephone
10 number was not registered to Plaintiff, but registered to another Randy Stevens with a different
11 middle initial.

12 25. Detective Novisedlak also omitted information regarding Victim Jane's
13 identification of Mr. Stevens. Detective Novisedlak omitted information that before he showed
14 Victim Jane the sole Department of Licensing photograph of Mr. Stevens, he had shown her
15 two photographic montages with older booking photographs where she had failed to identify
16 Mr. Stevens as the second suspect.

17 26. Detective Novisedlak also omitted that Victim Jane only identified Mr. Stevens
18 as "looking like" the second suspect.

19 27. After Detective Novisedlak amended the Case Investigation Report, it was
20 submitted to the court and Mr. Stevens was ordered to return to court. On January 9, 2013, Mr.
21 Stevens was taken into custody with bail set at \$500,000.

1 28. Mr. Stevens remained in custody for seven (7) days, and was eventually released
 2 on January 16, 2013. Mr. Stevens was released after his criminal attorney indicated he was the
 3 wrong person, and after a paralegal for the King County Prosecutor retraced Detective
 4 Novisedlak's investigation and discovered that the middle initial for the Randy Stevens linked
 5 to the telephone number was different from Plaintiff. *See Exhibit A.*

7 29. Plaintiff Randy Leshon Stevens did not know Tariq Shabazz and never met
 8 Shabazz or had any type of interaction with Shabazz. Plaintiff Randy Leshon Stevens was not
 9 involved in the incident with Victim Jane.

10 30. Subsequent investigation determined the correct second suspect who had a
 11 completely different name than Plaintiff and who was later charged.

12 **VI. CLAIMS AND CAUSES OF ACTION**

14 **COUNT I: VIOLATION OF 42 U.S.C. § 1983**

15 31. Plaintiff hereby re-alleges the contents of the above paragraphs and incorporates
 16 them herein by reference.

17 32. Defendant had a duty under 42 U.S.C. § 1983 to provide Plaintiff his substantive
 18 due process rights under the Fifth and Fourteenth Amendments. Defendant further violated
 19 Plaintiff's rights under the Fourth and Eighth Amendments.

20 33. As a result of Defendant's violation of 42 U.S.C. § 1983, Plaintiff suffered
 21 injury, emotional distress, humiliation, and embarrassment.

23 **COUNT II: FALSE ARREST**

24 34. Plaintiff hereby re-alleges the contents of the above paragraphs and incorporates
 25 them herein by reference.

35. The actions of Defendant constitute false arrest. Plaintiff Stevens was deprived of his federal Fourth Amendment right to freedom from unreasonable search and seizure.

COUNT III: FALSE IMPRISONMENT

36. Plaintiff hereby re-alleges the contents of the above paragraphs and incorporates them herein by reference.

37. The actions of Defendant constitute false imprisonment.

COUNT IV: OUTRAGEOUS CONDUCT

38. Plaintiff hereby re-alleges the contents of the above paragraphs and incorporates them herein by reference.

39. The actions of Defendant constitute outrageous conduct.

COUNT V: INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS

40. Plaintiff hereby re-alleges the contents of the above paragraphs and incorporates them herein by reference.

41. The actions of Defendant constituted intentional infliction of emotional distress.

42. As a result of Defendant's tortious conduct, Plaintiff suffered injury and severe emotional distress.

COUNT VI: VICARIOUS LIABILITY/RESPONDEAT SUPERIOR

43. Plaintiff hereby re-alleges the contents of the above paragraphs and incorporates them herein by reference.

44. Under the doctrine of respondeat superior, Defendant is responsible for the knowledge, acts/or omissions of its employees, agents and others under its control.

VII. RELIEF SOUGHT

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

1. Awarding Plaintiff damages in such an amount to be proven at trial.
2. Awarding Plaintiff costs and attorney's fees.
3. For permission to amend pleadings to conform to the proof offered at the time of trial.
4. Such other relief that the court finds equitable and just.

DATED this 11th day of December, 2014.

CORNELIUS LAW FIRM, PLLC

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